

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of: |) | |
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| Inventors: Shik Chi Tsang et al. |) | Confirmation No. 3488 |
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| Appln. No.: 10/564,409 |) | Group Art Unit: 1657 |
| |) | |
| Filed: July 7, 2006 |) | Examiner: Srivastava, K.C. |
| |) | |
| For: COMPOSITE NANOPARTICLES |) | |

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Office Action of April 1, 2009, reconsideration of the restriction requirement is requested. To be responsive, the applicants elect the Group I claims, i.e. claims 1 and 20-25. However, for reasons noted below, the applicants consider that all of their claims should be considered together as they are all, in essence, based on a common inventive concept.

More specifically, it is noted that claim 2 is directed to compositions which are used in the method of claim 1. See paragraph (a) of claim 1. Thus, the compound, whose partition coefficient is to be determined, is combined with the composition of claim 2 in the performance of the method of claim 1. There is, therefore, unity as between claims 1 and 2 which satisfies requirement (b)(ii) of Rule 475. Accordingly, the claims of Group I (claims 1 and 20-25) and the claims of Group II (Claims 2-12) should be considered together.

The method of claim 13 (Group III) should also be considered with the method claims of Group I as involving a common inventive concept, notably the use of the composition of claim 2 from which claim 13 depends. A search with respect to the Group I claims should also develop any art relevant to claim 13.


Composition claims 14-18 (Group IV) should be examined with the Group I claims for the reasons noted above with respect to the Group II claims. Thus, the composition of claim 14 is suitable for use in the method of claim 1 and claim 13. For example, if the composition of claim 14 is mixed with the second solvent of claim 1, it is ready to be combined with the compound whose partition coefficient is to be determined in accordance with step (b) of claim 1.

Claims 26-50 (Groups V, VI and VII) are also related to the method of claim 1 and should be examined with all of the other claims herein.

Consistent with the foregoing, the applicants request reconsideration of the restriction requirement with resultant examination of all of the claims herein. To be responsive, the applicants have elected above the claims of Group I (claims 1 and 20-25). This group should at a minimum also include method claim 13 although, as noted, examination of all of the pending claims is thought to be in order in view of the intertwined relationship of these claims.

Respectfully submitted,

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